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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,790	06/06/2005	Daniel A Silber	US020623 US	6668
24737	7590	01/19/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			HARVEY, JAMES R	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/537,790	Applicant(s) SILBER, DANIEL A	
	Examiner James R. Harvey	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-8,13,17,18 and 20 is/are rejected.
- 7) ☒ Claim(s) 2,4,5,9-12,14-16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-6-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Cancellations

- The cancellation of claim 21 in the preliminary amendment dated 6-6-05 has been made of record.

Drawings

- The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.
 - In reference to Claim(s) 17, the branches connected to an instrument are not shown in the drawings.

Claim Objections

- The following claim(s) is/are objected to because of the noted informalities:
 - In reference to Claim(s) 1 and 6, contrary to applicant's claim to a housing 1 figure 1A of applicant's drawings show two housing casings 1 and 2 that when assembled comprise a housing. An examination based on the merits, as best understood, is addressed below.
 - In reference to Claim(s) 1, contrary to applicants claims to a pair of biasing elements arranged along the surface of the double-electrode connector housing 1, applicant's figure 1D shows the biasing elements associated with the case housing 2 and the twin wire cable 6. An examination based on the merits, as best understood, is addressed below.
 - In reference to Claim(s) 3, the recitation "the contact" lacks proper antecedent basis. An examination based on the merits, as best understood, is addressed below.
 - Appropriate response to the above is required.

Claim Rejections - 35 USC § 102

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- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Examination

**** Claim(s) 1,3,6,8 and 18 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Teagno et al. (4285562).**

-- In reference to Claim(s) 1, Teagno shows (see examiner's figure)

a double-electrode connector housing (see examiner's figure) comprising a base (see examiner's figure) having two holes (see examiner's figure) therein of predetermined diameters arranged at predetermined location in the housing, with a first of the two holes associated with a first connector (see examiner's figure) and a second of the two holes associated with a second connector (see examiner's figure) of the double-electrode;

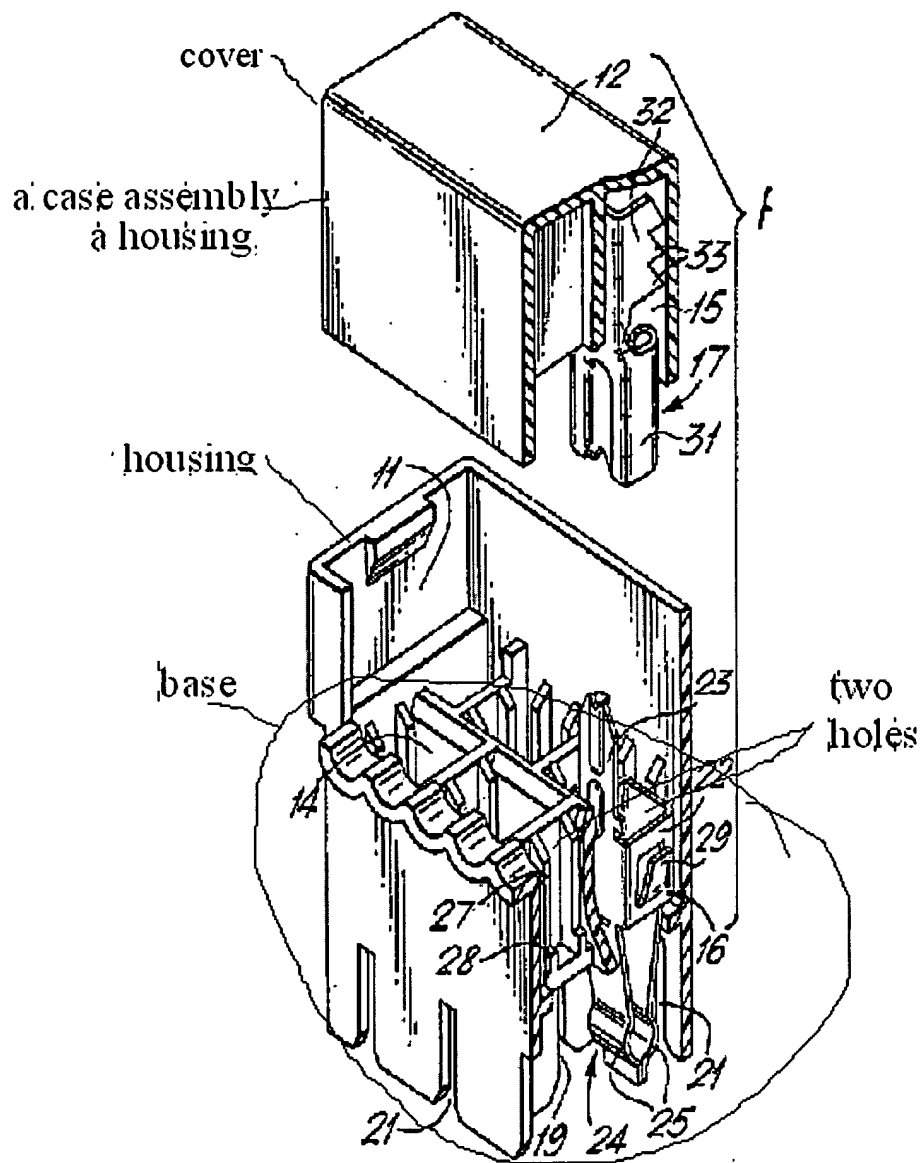
a pair of biasing elements (see examiner's figure) arranged along an inner surface (see examiner's figure) of the housing;

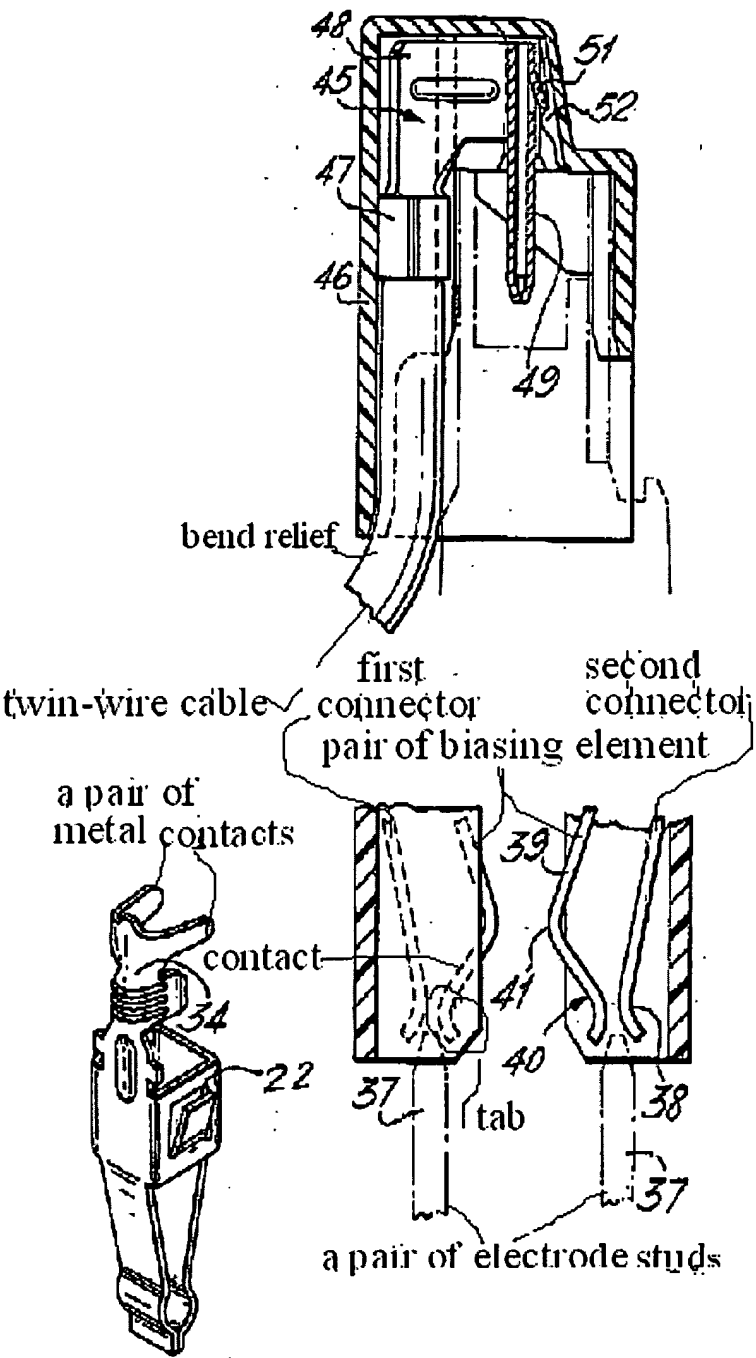
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a case assembly comprising a housing (see examiner's figure), twin-wire cable (see examiner's figure), and a pair of metal contacts se , wherein each one of the pair of metal contacts is crimped to one of a first conductor and second conductor of the twin-wire cable.

In particular reference to the recitation “is adapted for biasing against one of a pair of electrode studs inserted in a respective hole of the two holes in the housing” is seen to be for the intended use of the claimed structure and is given little patentable weight, since it has been held a recitation with respect to the manner in which a claimed apparatus is intended be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987). Further, the recitation is not seen to claim any structure that prevents the reference from being used for the same purpose as the intended use recitations of the claim.

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-- In reference to Claim(s) 18, all the elements of the method claims have been rejected as anticipated by or obvious over Teagno in the apparatus claims. Therefore, the claim to the method is seen to be made unpatentable over Teagno.

-- In reference to Claim(s) 3, Teagno shows (see examiner's figure)

contact of each of the biasing elements comprises a tab (see examiner's figure).

In particular reference to the recitation "adapted to bias against a respective electrode stud of the pair of electrode studs." is seen to be for the intended use of the claimed structure and is given little patentable weight, since it has been held a recitation with respect to the manner in which a claimed apparatus is intended be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987). Further, the recitation is not seen to claim any structure that prevents the reference from being used for the same purpose as the intended use recitations of the claim.

-- In reference to Claim(s) 6, Teagno shows (see examiner's figure)

the case housing includes a cover and a base, and both are comprised of injection-molded plastic.

** Claim(s) 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teagno in view of Castle et al. (5782892).

-- In reference to Claim(s) 7, Teagno shows substantially the invention as claimed.

However, Teagno does not show the predetermined diameters of the two holes formed in the base are sized such that one of the two holes is smaller than the other of the two holes.

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It is known in the art to change the size of a hole to a larger diameter in order to accommodate a larger insertion object. Castle is an example in the art that shows (cover sheet) hole 70 is larger than hole 84.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to increase the size of one of the holes of Teagno, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 and (CCPA 1955), In re Dailey, 149 USPQ 47 (CCPA 1976).

One skilled in the art would have been motivated to change the size in order to make the arrangement of Teagno marketable to consumers desiring the particular size.

-- In reference to Claim(s) 8, Teagno shows (see examiner's figure)

the predetermined diameters of the two holes are sized to correspond with a diameter of at least one of the electrode studs.

** Claim(s) 13,17,20 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Teagno in view of Faupel et al. (5895298) as listed on applicant's IDS dated 6-6-05.

-- In reference to Claim(s) 13, Teagno shows substantially the invention as claimed.

However, Teagno does not show the connector housing has at least one icon arranged thereon to facilitate a connection with a double electrode.

Faupel shows (figures 9 and 13) the connector housing has at least one icon arranged thereon to facilitate a connection with a double electrode.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the icon teachings of Faupel to improve the arrangement shown by Teagno.

One skilled in the art would have been motivated to use the teachings of Faupel because as taught by Faupel (column 10, lines 9-17) the icon assist the technician in the proper use of the connector.

-- In reference to Claim(s) 17, Teagno shows substantially the invention as claimed.

However, Teagno does not show an impedance cardiograph connection system comprising four of the double connectors according to claim 1, and wherein a number of branches connected to an instrument by a single connector totals four.

It is known in the art to duplicate connectors. Faupel is an example in the art showing (figure 9) duplication of connectors and shows (figure 9) shows an equivalent system with more than four branches 16 connected to an instrument by a single connector 158.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the connectors of Teagno, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8 .

One skilled in the art would have been motivated to duplicate that connectors of Teagno, as taught by Faupel (column 10, lines 3-6) in order to indicate the occurrence of a number of bodily functions.

-- In reference to Claim(s) 20, Teagno shows substantially the invention as claimed. However, Teagno does not show the first connector and the second connector connect to the electrode studs by snapping on.

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Faupel teaches (column 2, line 52-58) that medical connectors a typically connected to leads by a snap connector.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the prior art teachings of Faupel with the invention of Teagno.

One skilled in the art would have been motivated to use the snap teachings in order to make the invention of Teagno compatible with the snap indication sound that the medical connector technicians are accustomed to and thus make it easier to market the arrangement of Teagno to those who are accustomed to using a connector that makes the snap sound.

Allowable Subject Matter

- Claim(s) 2,4,5,9-12,14-16 and 19 has(have) allowable subject matter.
- Claim(s) 2,4,5,9-12,14-16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- The following is a statement of reasons for the indication of allowable subject matter: The prior art does not show the unique structure of:
 - In reference to Claim(s) 2 and 19, the first connector and the second connector connect to the respective one of the pair of electrode studs with zero insertion force.
 - In reference to Claim(s) 4 and those dependent thereon (5, 9-11 and 14-16), each of the biasing elements further comprises a handle attached to the leaf spring that protrudes out of the connector housing.
 - In reference to Claim(s) 12, self-storage knobs that provide from the two holes in the base to allow attachment to another double connector.

This structure, in combination with all the other elements of the claim is not seen to be anticipated by the prior art and the examiner knows of no permissible motivation to combine the prior art such that the subject matter as a whole would have been obvious at the time the invention was made.

- If the application becomes allowable, any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowable Subject Matter".

Conclusion

- The prior art listed on PTO form 892 that is made of record and not relied upon is considered pertinent to applicant's disclosure because it shows the state of the art with respect to applicant's claimed invention.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007. The examiner can normally be reached from 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

- Applicant is encouraged to send correspondence through the USPTO fax number 571-273-8300.

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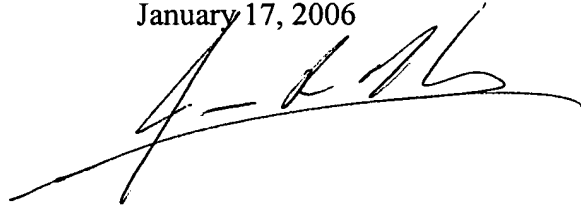
- Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James R. Harvey;
Examiner

jrh

January 17, 2006

A handwritten signature in black ink, appearing to read 'J. R. Harvey', with a long horizontal stroke extending to the right.